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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,981	03/01/1999	TIMOTHY BEAN	02950.P010	5937

7590 11/05/2003

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EXAMINER

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 11/05/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/259,981

Applicant(s)

BEAN ET AL.

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the capabilities" in line 4. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 14 recites the limitation "the capabilities" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 27 recites the limitation "the transactional routing controller" in line 11. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 29 recites the limitation "the machine" (first occurrence) in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 29 recites the limitation "the capabilities" in line 5. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 35 recites the limitation "the determination of correlation" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1-7, 12-18, 24-35, 40-41 are rejected under 35 U.S.C. 102(a) as being anticipated by Brooks et al., USPN 5,825,869 (hereafter referred to as Brooks)

10. Regarding claim 1, Brooks taught a method of routing a transaction (abstract), the method including:

receiving a transaction request associated with the transaction (column 5, lines 40-54, column 12, lines 24-25);

identifying a resource associated with a transaction processing system based upon the resource data, the resource data being indicative of the capabilities of resources associated with the transactional processing system (column 13, lines 21-28, 56-59); and

routing the transaction to the identified resource (column 13, lines 65-66).

11. Regarding dependent claim 2, Brooks taught including supplying the resource data (column 13, lines 11-15) and the transaction request (column 12, lines 24-25) to a transactional routing controller which routes the transaction based on the resource data and the transaction request (column 8, lines 17-21, column 13, lines 56-66).

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12. Regarding dependent claim 3, Brooks taught the transaction contains an identifier indicating the nature of the transaction request (call includes identification information, column 12, lines 25-39).

13. Regarding dependent claim 4, Brooks taught including generating a data message in response to the transaction request, the data message providing the identifier to a transactional routing controller (column 12, lines 24-25, column 13, lines 5-9).

14. Regarding dependent claim 5, Brooks taught the resource data is supplied from the transaction processing system and identifies the resource capabilities associated with each resource of the transactional processing system (column 8, line 66 - column 9, line 5).

15. Regarding dependent claim 6, Brooks taught identifying the resource includes:  
comparing the resource data associated with a plurality of transactional processing systems to the transaction request (column 13, lines 20-22); and  
determining a correlation between the resource data and the transaction request (column 13, lines 20-22); and  
routing the transaction to an appropriate transactional processing system in response to the correlation (column 13, lines 56-59, 65-66).

16. Regarding dependent claim 7, Brooks taught determining the correlation between the resource data and the transaction request is determined in accordance with a set of operating rules (column 12, lines 27-29, column 13, lines 20-22).

17. Regarding dependent claim 12, Brooks taught the transaction is supplied to a queue associated with the identified resource, the queue being configured to supply the transaction to the identified resource (column 8, lines 58-63).

18. Regarding dependent claim 13, Brooks taught the transaction is supplied to the transactional processing system which then supplies the transaction to the identified resource (column 7, lines 56-59, column 8, lines 11-21).

19. Regarding claim 14, Brooks taught an apparatus to route a transaction (abstract), the apparatus comprising:

a transaction handler to receive a transaction and generate a transaction request (transaction queue 56, column 5, line 40-56, column 8, lines 49-50);

a transaction routing controller (transaction dispatcher 52) to:

(1) receive the transaction request and resource data from at least one transactional processing system (column 8, lines 50-63, column 13, lines 20-27), the resource data being indicative of the capabilities of resources associated with the transactional processing system (column 8, line 66 – column 9, line 5)

(2) identify an appropriate resource associated with the transaction processing system based upon the resource data and transaction request (column 13, lines 21-28, 56-59); and

(3) supply the transaction to the appropriate resource (column 13, lines 65-66).

20. Regarding dependent claim 15, Brooks taught the transaction contains an identifier indicating the nature of the transaction request (call includes identification information, column 12, lines 25-39).

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21. Regarding dependent claim 16, Brooks taught a data message is generated by the transaction handler to provide the identifier to a transactional routing controller (column 12, lines 24-25, column 13, lines 5-9).
22. Regarding dependent claim 17, Brooks taught the resource data identifies the resource capabilities associated with each resource of the transactional processing system (column 8, line 66 - column 9, line 5).
23. Regarding dependent claim 18, Brooks taught the transaction routing controller compares the resource data and the transaction request to determine a correlation value between the resource data and the transaction request (column 12, lines 27-29, column 13, lines 20-22), the transactional routing controller using the correlation value to identify the appropriate resource associated with the transactional processing system to service the transaction request (column 13, lines 56-59, 65-66).
24. Regarding dependent claim 24, Brooks taught the transaction handler supplies the transaction to a queue associated with the appropriate resource, the queue being configured to supply the transaction to the appropriate resource (column 8, lines 58-63).
25. Regarding dependent claim 25, Brooks taught the transaction handler supplies the transaction to the transactional processing system which then supplies the transaction to the appropriate resource (column 7, lines 56-59, column 8, lines 11-21).
26. Regarding claim 26, Brooks taught an apparatus to route a transaction (abstract), the apparatus including:
- first means for receiving a transaction and generating a transaction request (transaction queue 56, column 5, line 40-56, column 8, lines 49-50);

second means (transaction dispatcher 52) for:

receiving the transaction request and resource data from a third means (column 8, lines 50-63, column 13, lines 20-27);

identifying an appropriate resource associated with the third means, in accordance with associated operating rules (column 12, lines 27-29, column 13, lines 20-22), capable of servicing the transaction based upon the resource data and transaction request (column 13, lines 21-28, 56-59); and

supplying the transaction to the appropriate resource (column 13, lines 65-66).

27. Regarding claim 27, Brooks taught an apparatus to route a transaction (abstract), comprising:

a transaction handler configured to receive an identity of a resource associated with a transactional processing system, the resource being capable of servicing a transaction (column 8, lines 54-56, column 9, lines 31-37); and

wherein the transaction routing controller supplies the transaction to the identified resource (column 8, lines 58-63).

28. Regarding claim 28, Brooks taught an apparatus to route a transaction (abstract), the apparatus including:

transaction routing controller (transaction dispatcher 52) to receive the transaction request and resource data from a transactional processing system (column 8, lines 50-63, column 13, lines 20-27), the transactional routing controller identifying an appropriate resource associated with the transaction processing system which is



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capable of servicing the transaction based upon the resource data and the transaction request (column 13, lines 21-28, 56-59); and

wherein the transactional routing controller supplies the transaction to the appropriate resource (column 13, lines 65-66).

***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 8-11, 19-23, 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks in view of Nabkel et al., USPN 6,141,328 (hereafter referred to as Nabkel).

31. Regarding dependent claim 8, Brooks does not specifically teach reserving the resource. However, Nabkel taught reserving the resource that has been identified (requesting call be put on hold, column 5, lines 20-26).

32. Regarding dependent claim 9, Nabkel taught communicating a reservation response from the transactional processing system to a transactional routing controller to confirm that the resource has been reserved (confirming the request to put call on hold, column 5, lines 20-28).

33. Regarding dependent claim 10, Nabkel taught generating a routing message based upon the reservation response (column 6, lines 57-61), the routing message indicating the identity of the resource which has been reserved (column 6, lines 61-67).

34. Regarding dependent claim 11, Nabkel taught supplying the transaction to the resource which has been reserved based upon the routing message (column 7, line 48 – column 8, line 5).

35. Regarding dependent claim 19, Brooks does not specifically teach the transactional routing controller reserves the appropriate resource. However, Nabkel taught the transactional routing controller reserves the appropriate resource (requesting call be put on hold, column 5, lines 20-26).

36. Regarding dependent claim 20, Nabkel taught the transaction processing system generates a signal confirming that the appropriate resource has been reserved (confirming the request to put call on hold, column 5, lines 20-28).

37. Regarding dependent claim 21, Nabkel taught the transactional processing system supplies a reservation response to the transactional routing controller to indicate that the appropriate resource has been reserved (confirming the request to put call on hold, column 5, lines 20-28).

38. Regarding dependent claim 22, Nabkel taught the transactional routing controller generates a routing message based upon the reservation response (column 6, lines 57-61), the routing message indicating the identity of the resource which has been reserved (column 6, lines 61-67).

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39. Regarding dependent claim 23, Nabkel taught the transaction handler supplies the transaction to the resource which has been reserved based upon the routing message (column 7, line 48 – column 8, line 5).

40. As to claims 8-11, 19-23, 36-39, Brooks does not teach a specific system for reserving a resource. However, Nabkel taught a system for reserving resources. It would have been obvious at the time the invention was made that incorporating Nabkel's reservation system in Brooks' system for routing transactions would have improved system flexibility. The motivation would have been to increase system flexibility by allowing calling parties to be place on hold, disconnect to avoid toll fees and retain their determined position in the queue.

41. The language of claims 29-41 is substantially the same as previously rejected claims 1-13. Therefore, claims 29-41 are rejected on the same rationale as previously rejected claims 1-13, respectively.

### ***Response to Arguments***

42. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

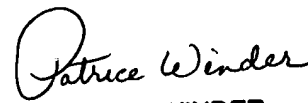
- a. Knitl, USPN 8,44,982: taught allocating an agent communication terminal by transmitting a resource request (ra), receiving a resource response and next receiving a resource release;
- b. Berkowitz et al., USPN 5,903,877: taught a transaction center for processing customer transaction requests from alternative media sources;
- c. Miloslavsky, USPN 5,915,012: taught an information server linked to a plurality of CTI servers and a routing server that routes transactions between CTI servers;
- d. Sassin et al., USPN 6,058,435: taught a dynamic skill-based router that determines a list of agents that matches the skills required by a received transaction;
- e. Beck et al., USPN 6,108,711: taught operating system having external media layer, workflow layer, internal media layer, and knowledge base for routing media events between transactions;
- f. Sikora et al., USPN 6,449,646 B1: taught method and apparatus for allocating mixed transaction type messages to resources via an integrated queuing mechanism.

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44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam, can be reached on (703) 308-6662. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
PATRICE WINDER  
PRIMARY EXAMINER